



## REQUEST FOR BIOGRAPHICAL INFORMATION

### Opportunity for arbitrators to be selected for the Canadian Transportation Agency rosters

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## Contact Information

Please note that completion of this form is lengthy. You may be required to save and return to complete. If you have any questions or need help please contact Martina Faith at [Martina.Faith@otc-cta.gc.ca](mailto:Martina.Faith@otc-cta.gc.ca)

Date of this version	October 11, 2018
First name	J. Douglas
Last name	Cunningham
Middle initial	
Honorifics	Honourable
Professional title	
Firm name	Arbitration Place
Address line 1	Suite 900
Address line 2	333 Bay Street
City	Toronto
Province	Ontario
Postal code	M5H 2R2
Secondary address (please indicate street, city, province and postal code)	
Telephone (office)	(416) 848-0203
Telephone (mobile)	(416) 605-8894
Telephone (other)	
Fax	
E-mail	dcunningham@arbitrationplace.com
Web site URL	
LinkedIn URL	
Facebook	
Other social media links	
Region of residence	



<p>Willingness to travel within and to other provinces? Please specify provinces.</p>	<input checked="" type="checkbox"/> All provinces <input type="checkbox"/> British Columbia <input type="checkbox"/> Alberta <input type="checkbox"/> Saskatchewan <input type="checkbox"/> Manitoba <input type="checkbox"/> Ontario <input type="checkbox"/> Quebec <input type="checkbox"/> New Brunswick <input type="checkbox"/> Nova Scotia <input type="checkbox"/> Newfoundland and Labrador <input type="checkbox"/> Prince Edward Island <input type="checkbox"/> Yukon <input type="checkbox"/> Northwest Territories <input type="checkbox"/> Nunavut
<p>Languages spoken</p>	<input type="checkbox"/> English <input type="checkbox"/> French

### Education

Please list degree(s), institution(s) attended and year degree(s) conferred below.

Degree	Institution attended	Year degree conferred
B.A.	University of Western Ontario	1963
LL.B	Queens University	1966
LLD	Law Society of Upper Canada	2013

Please list courses or degrees in **Economics**, if any.

Courses	Institution attended	Year

Please list courses or degrees in **Finance and Accounting**, if any.

Courses	Institution attended	Year
Economics	University of Western Ontario	1963



Accounting	Queen's Law School	1966
Accounting	Bar Admission	1966

Please list courses relating to **logistics, transportation or transportation law**, if any.

Courses	Institution attended	Year

### Arbitration Designation

Please list below the designation(s), certification(s) or accreditation(s) in arbitration received from any recognized institution(s) and the year(s) conferred.

Designation	Organization	Year conferred
Member	Arbitration Place	2016
Founder	Amicus Chambers	2012
	Toronto Commercial Arbitration Society	2012
Chartered Arbitrator	Click or tap here to enter text.	2013
Fellow	Internation Academy of Mediators	2017

### Arbitration Training

Please list below the **arbitration training** or course(s), if any, along with the institution providing the training and the year that you received this training.

Course	Institutions	Year
Trial judge		1992-2012
Arbitrator		2012-2018
CIARB conferences : Miami		2015
CIARB conferences : Sydney/Queenstown		2018



### Commercial Litigation Experience

Please specify approximate number of commercial cases in which you have acted as counsel.

150

Please list range of years over which these cases occurred.

1975-1991

Please list law firms with which you were associated, according to years.

Firm name	Duration
Cunningham, Swam	1969-1991

Did you typically represent plaintiff, respondent or both? Please provide your answer as a percentage.	Response
Plaintiff	50
Respondent	50

Please list by subject area, the three most complex commercial cases with which you have been involved as counsel in arbitrations or litigation, the kind of evidence presented, what experts were involved, quantum in issue and duration of case.

Area of commercial litigation (e.g. patent infringement)	Kind of evidence presented	What type of experts were involved	Quantum (value of claim)	Duration (time in court)
Breach of Contract	Various	Subject matter	+1 million	
Shareholder dispute	Various	Subject matter	+1 million	
Breach of contract	Various	Subject matter + damages	+2 million	

### Experience as an Arbitrator, Adjudicator or Judge

Please specify approximate number of cases in which you have acted as an arbitrator, judge or tribunal adjudicator. Please note that there are cells, in the table below, in which you are asked to provide the court level and tribunal.



	Arbitrator	Judge	Tribunal Adjudicator
Number of cases	+800 as judge and arbitrator		
Over what period of years	25		
Number of commercial cases	+200 as judge and arbitrator		
Over what period of years	20 years		
Level of court	Superior Court		
Please specify tribunal			

Please list by subject area the three most complex commercial cases in which you acted as arbitrator, judge or adjudicator, the kind of evidence presented, experts involved, quantum in issue and duration of hearing.

Please specify your role	Area of commercial litigation	Evidence presented	Experts included	Quantum (value of claim)	Duration (time in court)

### Work Samples

Please provide a written award (redacted) or decision that you have written. Files should be attached to this submission. Only .pdf or .doc files are accepted.

### Transportation Specific Legislation

FOR RAIL SPECIALIZATION – LEGISLATION, REGULATIONS, AND PROCEDURES

Please rate your current familiarity with the following using "Very familiar", "Fair" or "Not familiar".	Response
<i>Railway Costing Regulations – SOR/80-310</i>	Fair
<i>Railway Third Party Liability Insurance Coverage Regulations – SOR/96-337</i>	Fair
<i>Railway Traffic Liability Regulations – SOR/91-488</i>	Fair
<i>Carriers and Transportation and Grain Handling Undertakings Information Regulations – SOR/96-334</i>	Fair
<i>Railway Interswitching Regulations – SOR/88-41</i>	Fair



Please provide details explaining how you became familiar with this material.

Rail arbitration

FOR MARINE SPECIALIZATION – LEGISLATION, REGULATIONS, AND PROCEDURES

Please rate your current familiarity with the following using "Very familiar", "Fair" or "Not familiar":	Response
<i>Canada Marine Act</i> – S.C. 1998, c. 10	Not familiar
<i>Coasting Trade Act</i> – S.C. 1992, c. 31	Not familiar
<i>Pilotage Act</i> – R.S.C. 1985, c. P-14	Not familiar
<i>Shipping Conferences Exemption Act, 1987</i> – R.S.C., 1985, c. 17 (3rd Supp.)	Not familiar

Please provide details explaining how you became familiar with this material.

FOR AIR SPECIALIZATION – LEGISLATION, REGULATIONS, AND PROCEDURES

Please rate your current familiarity with the following using "Very familiar", "Fair" or "Not familiar":	Response
<i>Air Transportation Regulations</i> – SOR/88-58	Not familiar

Please provide details explaining how you became familiar with this material.

**Familiarity with Transportation and Transportation Law**

Please describe your background involvement in the transportation industry or transportation law, if any.

Arbitration of a rail dispute

**Disclosure**

If you have ever worked for, been associated with, or have a current or past interest in a transportation carrier or shipper in rail, marine or air, please provide details below:

N/A



**Conflict**

If you OR YOUR FIRM currently represent, or have in the past represented, a carrier please advise.

N/A

If you OR YOUR FIRM currently represent, or have ever represented, a company in a matter relating to shipment of goods, please advise.

N/A

**Fees**

Please provide daily and hourly rates	Response
Daily	\$7500
Hourly	\$850

**Availability**

How many months in advance are you booked for?

5-6

**Signed Agreement**

PLEASE NOTE THAT YOUR APPLICATION IS NOT COMPLETE WITHOUT PROOF OF INSURANCE AND THE SIGNED AGREEMENT THAT YOU WILL FIND BELOW.

The information I have provided describes accurately my qualifications and experience.

I understand that:

- Roster members will be selected based on the criteria set out in this request for biographical information.
- The biographical information provided by me in this request for biographical information will appear online ON the Agency's Web site.
- Rosters and roster members may be reviewed every two years.
- Being accepted as a roster member does not guarantee that I will receive work under the *Canada Transportation Act*.
- The Canada Transportation Agency is in no way responsible for any fees, expenses or outstanding payments, all of which shall be billed by the arbitrator to the parties to any proceeding under the *Canada Transportation Act*.





If my request is accepted, I will comply with all the conditions of the program, including but not limited to the following:

- Compliance with the Canadian Transportation Agency's Code of Values and Ethics.
- Maintenance of insurance at the required level.

Please provide proof of insurance	Response
Policy number #	MCL1966PL-8 / MCL1966GL-8
Issuer	Certain Underwriters at Lloyd's

<b>Signed on</b>	
<b>in the province of</b>	
<b>Signature (Please sign the form digitally by typing your first and last name.)</b>	* Signed on original copy

### Application Checklist

Please do not include a resume. If you have any questions or need help, please contact Martina Faith at [Martina.Faith@otc-cta.gc.ca](mailto:Martina.Faith@otc-cta.gc.ca).

If you wish to be considered for the roster, please ensure that you completed the following:

### Checklist

- Filled out the Application Form
- Provided your work sample
- Provided your digital signature above
- Faxed us (819-953-6613) or attached as a PDF, the proof of insurance